## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA :

:

v. : 1:08CR456-1

:

DANIEL DEVON MORRIS

## FACTUAL BASIS

NOW COMES the United States of America, by and through Anna Mills Wagoner, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11, Fed. R. Crim. P., states as follows:

On September 7, 2006, Detective Chrystal Overcash with the Guilford County Sheriff's Department was using a Yahoo chat room under the screen name of "kimmiel4fun" when the defendant made contact with her using the screen name "daman9669." The conversation soon thereafter turned sexual in nature. Detective Overcash was posing as a 14-year-old girl. The defendant ultimately sent pictures of his face and person, as well as a sexually-explicit picture. The chats continued on several occasions, but stopped when the detective suffered an injury and was not working for a prolonged period of time.

Simultaneously, the defendant was explicitly chatting with Detective Gordy of the same department, who was also posing as a 14-year-old girl. The defendant attempted to set up a "3some" with the two of them early on, but he failed to show up. His

conversations with Gordy continued through 2007 until a meeting was arranged for October 16, 2007, for the purpose of having sexual contact. Earlier that day, the defendant sent the sexually explicit picture of himself to Gordy's persona. Then, the defendant arrived as agreed upon, and was in possession of a drink that had been requested by Gordy's persona. He was then arrested at 1:19 p.m.

This the 18th day of January, 2009.

Respectfully submitted,

ANNA MILLS WAGONER United States Attorney

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## CERTIFICATE OF SERVICE

I hereby certify that on January 18, 2009, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Thomas N. Cochran Assistant Federal Public Defender

/S/ DAVID P. FOLMAR, JR.
Assistant United States Attorney
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